

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

EARL LAMONT JONES, JR., a/k/a
EARL LAMOUNT JONES, JR.,

Defendant-Appellant.

UNPUBLISHED

August 22, 1997

No. 193820

Saginaw Circuit Court

LC No. 94-010019-FH

Before: Sawyer, P.J., and Bandstra and E. A. Quinnell*, JJ.

MEMORANDUM.

Defendant appeals by right his jury conviction of conspiracy to possess with intent to deliver cocaine and of possession of marijuana. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant first contends that the trial court erred in overruling his objection to the testimony of a police officer that, considering all the observations made at the time of defendant's arrest, the possession of cocaine was with intent to deliver as opposed to being simple possession for personal use. This officer was qualified as an expert witness without objection from the defense. Based on training and experience, police officers may be attuned to inferences that would escape lay jurors or even judges. *Ornelas v United States*, 517 US ____; 116 S Ct 1657; 134 L Ed 2d 911, 921 (1996). An expert may properly testify, in the form of an opinion or inference otherwise admissible, concerning an ultimate issue to be decided by the trier of fact. MRE 704. As the basis for the officer's opinion was duly elucidated for the jury, which could then evaluate the validity of the suggested conclusion for itself, the trial court's ruling in this respect did not deprive defendant of a fair trial.

Defendant contends that, during closing argument, the prosecutor improperly engaged in a civic duty argument and vouched for the credibility of prosecution witnesses. To the contrary, however, the record reflects that the prosecutor simply urged the jury to fulfill its obligation, if the elements of the crime had been proved beyond a reasonable doubt, to return a verdict of guilty, and argued from facts

* Circuit judge, sitting on the Court of Appeals by assignment.

in evidence concerning the credibility of conflicting testimony. There was nothing improper in this argument, but even if there were, it did not rise to the level of error requiring reversal. *People v Bahoda*, 448 Mich 261; 531 NW2d 659 (1995).

Affirmed.

/s/ David H. Sawyer

/s/ Richard A. Bandstra

/s/ Edward A. Quinnell